

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent excreta.

**DISPOSITION:** June 12, 1953. The defendants having entered pleas of nolo contendere, the court fined the corporation \$400, plus costs, and suspended sentence against the individual for 60 days pending reinspection of the mill. On September 4, 1953, upon the basis of a showing that the individual had decided to go out of the milling business, the court dismissed the charges against the individual.

### FLOUR

**20312. Adulteration of flour. U. S. v. 214 Bags \* \* \*. (F. D. C. No. 34915. Sample No. 14326-L.)**

**LABEL FILED:** March 27, 1953, District of New Mexico.

**ALLEGED SHIPMENT:** On or about January 31, 1953, from Lamar, Colo.

**PRODUCT:** 214 25-pound bags of flour at Gallup, N. Mex., in the possession of the Gallup Mercantile Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3) the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** April 28, 1953. The Gallup Mercantile Co. having appeared as claimant, judgment of condemnation was entered and the court ordered that the product be released under bond to be denatured for use as livestock feed, under the supervision of the Department of Health, Education, and Welfare.

### MISCELLANEOUS CEREALS

**20313. Adulteration and misbranding of pulverized white oats. U. S. v. Flambeau Milling Co. and Frank Rabenowich. Pleas of not guilty. Tried to the court. Verdicts of guilty against corporation and not guilty against individual. Fine of \$1,000, plus costs, against corporation. (F. D. C. No. 31590. Sample Nos. 198-L, 4272-L.)**

**INFORMATION FILED:** March 27, 1952, Western District of Wisconsin, against the Flambeau Milling Co., a corporation, Phillips, Wis., and Frank Rabenowich, vice president of the corporation.

**ALLEGED SHIPMENT:** On or about March 16 and 23, 1951, from the State of Wisconsin into the States of Maryland and Virginia.

**LABEL, IN PART:** (Tags attached to bags) "Pulverized White Oats \* \* \* Manufactured and Packed By Flambeau Milling Co. Phillips, Wis."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a wheat product in one shipment of the article and a ground wheat product, white beans, weed seeds, barley, and other grains in the other shipment of the article had been substituted in part for pulverized white oats; and, Section 402 (b) (4), a wheat product in one shipment of the article and a ground wheat product, white beans, weed seeds, barley, and other grains in the other shipment of the article had been added to the article and mixed and packed with it so as to increase its bulk and weight, reduce its quality, and make it appear better or of greater value than it was.

Misbranding, Section 403 (a), the label statement "Pulverized White Oats" was false and misleading.

**DISPOSITION:** May 6, 1953. Pleas of not guilty having been entered, the case came on for trial before the court without a jury, and at its conclusion, the court returned a verdict of guilty against the corporation and a verdict of not guilty against the individual. The court imposed a fine of \$1,000, plus costs, against the corporation.

**20314. Action to enjoin and restrain the doing of certain acts resulting in the adulteration of articles of food after shipment in interstate commerce. U. S. v. Casaus Bros. Food Brokers and Victor L. de Casaus. Temporary restraining order and preliminary injunction entered. Preliminary injunction and complaint for injunction subsequently dismissed. (Inj. No. 250.)**

**COMPLAINT FILED:** June 27, 1952, Southern District of California, against Casaus Bros. Food Brokers, a partnership, Los Angeles, Calif., and Victor L. de Casaus, a partner in the partnership. The parties were engaged in storing and selling various products, such as rice, beans, chili peppers, peas, and corn.

**NATURE OF CHARGE:** The defendants had been and were, at the time of the filing of the complaint, placing and causing to be placed in a building infested with rodents and insects and exposing and causing to be exposed to contamination by rodents and insects the above-mentioned products while they were held for sale after shipment in interstate commerce. These acts of the defendants resulted in the products being adulterated within the meaning of Section 402 (a) (3), in that the products consisted in part of filthy substances by reason of the presence of rodent and insect filth; and, Section 402 (a) (4), in that the products were held under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** On June 27, 1952, a temporary restraining order was entered by which the defendants were temporarily restrained and enjoined from doing any act or causing any act to be done with respect to any article of food while held for sale after shipment in interstate commerce, which would result in such article being adulterated within the meaning of Section 402 (a) (3) and (4).

Pursuant to stipulation of the parties, an order was entered on July 2, 1952, extending the period in which the temporary restraining order should continue in effect.

On July 16, 1952, with the consent of the defendants, an order was entered granting a preliminary injunction by which the defendants were enjoined and restrained from doing the acts complained of during the pendency of the action.

On October 16, 1953, the court having been advised that the preliminary injunction had served its purpose in effecting compliance with the Act, an order was entered dissolving the preliminary injunction and dismissing the complaint for injunction without prejudice.

**20315. Adulteration of wheat. U. S. v. 120,600 Pounds \* \* \*. (F. D. C. No. 34768. Sample No. 20546-L.)**

**LABEL FILED:** March 21, 1953, District of Minnesota.

**ALLEGED SHIPMENT:** On or about February 24, 1953, by the Occident Elevator, from Conrad, Mont.

**PRODUCT:** 120,600 pounds of wheat at Minneapolis, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, a mercurial compound, which is